

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12203 of 2021

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Mithlesh Yadav, Son of Nanku Yadav, Resident of Village - Mesaundhi,
Police Station - Mohanpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Forest Department,
Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Divisional Forest Officer-Cum-Authorised Officer Gaya Forest
Division, Gaya
4. The Forest Officer, Forest Office, Mohanpur, Gaya
5. The Forester, Forest Office, Mohanpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh, Advocate Mr, Manish Mumar No.2, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through Video Conferencing
and the Advocates joined the proceedings through Video Conferencing from their
residence.)**

Date : 06-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That this present writ application is being filed for
setting aside the order dated 12.12.2020 passed by
the Authorized Officer-cum-Divisional Forest
Officer, Divisional Forest Office, Gaya (Respondent

No.3) in Forest Confiscation Case No.74 of 2020, whereby and where under the tractor of the petitioner bearing Registration No.- JH-02BC-4891 has been confiscation and further to direct the District Magistrate, Gaya to release the vehicle bearing Reg. No. JH-02BC-4891 which is subject matter of Forest Appeal Case No. 02/2021 during pendency of the appeal pending before him and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

It has been alleged that on 17.08.2020 Banpal, Mohanpur along with his team while patrolling found that a tractor bearing Registration No. JH-02BC-4891 was illegally ploughing forest land and on seeing the patrolling party, the driver of the said tractor fled away leaving the tractor. Thereafter, said tractor was seized and a report was submitted on same day and thereafter Forest Case No.95/2020 has been instituted.

Petitioner claims to be registered owner of the seized tractor and no offence has been committed under Forest Act and he had purchased the tractor one month before to plough his raiyati land which is outside the forest area and allegation that he was ploughing the agriculture land within forest area is false.

It is further submitted that confiscation proceeding was initiated and final order dated 12.12.2020 has been passed in confiscation case no.74 / 2020 passed by the authorized officer-cum- District Forest Officer, Gaya against which, he has filed an appeal which is pending before the appellate authority, District Magistrate, Gaya being Forest Confiscation Appeal No.2 / 2021.

In the facts and circumstances of the case, the District Magistrate/Confiscating officer, Gaya is directed to provisionally release the tractor with “Hal” of petitioner on production of ownership and registration papers with respect to vehicle in question in his name with two sureties (one local) to the extent of the value of the vehicle as indicated in the insurance document.

The petitioner while submitting the sureties shall also furnish the following affidavit/undertaking:

(i) That the petitioner shall not indulge in creating any third party right or interest in respect of the vehicle during the pendency of the proceedings and shall not alienate the vehicle during this period.

The release shall be allowed within a period of 14 days from the date of submission of the sureties and the undertakings

as stated above, which would however be subject to final outcome of proceedings.

With said observations and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA